

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NEW YORK

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MARIA GRANCIO, individually, and in her	:
capacity as Executrix and Personal Representative	:
of the Estate of Nicholas P. Grancio,	:
	:
Plaintiff,	:
V.	:
	:
R. LINDLEY DeVECCHIO;	:
	:
CHRISTOPHER FAVO;	:
	:
UNITED STATES OF AMERICA.	:
	:
Defendants.	:
-----	X

CIVIL ACTION NO.
06 CV 0069 (FB)(CLP)

DECLARATION OF MICHAEL G. CONSIDINE

I, MICHAEL G. CONSIDINE, declare as follows pursuant to 28 U.S.C. § 1746:

1. I am a member in good standing of the bar of this Court, and am a member of the firm of Day Pitney LLP, counsel for Defendant Christopher Favo ("Favo") in this action.

2. Pursuant to Rule 1.10 of the Local Civil Rules of the United States District Court for the Southern and Eastern Districts of New York, I submit this declaration in support of Favo's Motion to Dismiss or, in the alternative, for Summary Judgment.

3. Attached hereto as Exhibit A is a true and correct copy of pages excerpted from the transcript of Favo's testimony on May 20, 1996 at the hearing in *Orena v. United States*, CV 96-1461 (E.D.N.Y.), before the Honorable Jack B. Weinstein.


4. Attached hereto as Exhibit B is a true and correct copy of pages excerpted from the transcript of Favo's testimony on October 18, 1994 at the trial in *United States v. Simone*, CR 94-108 ("*United States v. Simone*"), before the Honorable Raymond J. Dearie.

5. Attached hereto as Exhibit C is a true and correct copy of pages excerpted from the transcript of the testimony of Philip Cialdella on October 17, 1994 at the trial in *United States v. Simone* before the Honorable Raymond J. Dearie.

6. Attached hereto as Exhibit D is a true and correct copy of pages excerpted from the transcript of the charge to the jury in *United States v. Simone* by the Honorable Raymond J. Dearie on October 20, 1994.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on July 30, 2007 at Stamford, Connecticut.


Michael G. Considine

CERTIFICATE OF SERVICE

I hereby certify that on July 30, 2007, a copy of the foregoing was filed with the Clerk of the Court and served in accordance with the Federal Rules of Civil Procedure, and/or the Eastern District's Local Rules, and/or the Eastern District's Rules on Electronic Service upon the following parties and participants:

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/s/ Michael G. Considine
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